

ORDINANCE 3364-26

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE III, OF THE CITY CODE RELATING TO SUBSIDIARY BOARDS OF THE CITY OF WINTER PARK; AMENDING SECTIONS 2-46 THROUGH 2-2-49 TO REVISE GENERAL PROVISIONS GOVERNING THE ESTABLISHMENT, APPOINTMENT, TERMS, PROCEDURES, AND OPERATIONS OF CITY BOARDS AND AD HOC COMMITTEES; AMENDING SECTIONS 2-62, 2-63, 2-64, 2-65, 2-67, AND 2-74 TO REVISE AND CLARIFY THE COMPOSITION, DUTIES, AND PROCEDURES OF CERTAIN ADVISORY BOARDS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City has the authority under the City Charter, Section 2(b), Article VIII of the State Constitution, and Section 166.021(1), Florida Statutes, to exercise any power for municipal purposes except where expressly prohibited by law; and

WHEREAS, on June 13, 2011, the City Commission adopted Ordinance No. 2843-11 codifying amendments to Article III of Chapter 2 of the City of Winter Park Code of Ordinances regarding the establishment of subsidiary boards of the City of Winter Park; and

WHEREAS, Article III of Chapter 2 of the City Code establishes and governs the subsidiary boards of the City of Winter Park, including advisory and quasi-judicial boards that assist the City Commission in carrying out municipal functions; and

WHEREAS, pursuant to the City's established practice, the City Commission periodically reviews the structure, composition, and operation of its subsidiary boards to ensure continued effectiveness, efficiency, and compliance with applicable law; and

WHEREAS, the City's period five-year review of its advisory boards is to occur in 2026, making it appropriate to evaluate and update the governing provisions in advance of the annual board appointment process; and

WHEREAS, certain revisions to Article III are necessary to clarify appointment procedures, term administration, chair and vice-chair selection timing, attendance requirements, and internal operations of City boards in a manner consistent with current practices and administrative needs; and

WHEREAS, the amendments further clarify the roles of City boards, promote consistency with Florida law, and improve the City Code without expanding or diminishing the substantive authority of boards beyond that authorized by law; and

WHEREAS, the City Commission finds that adoption of these amendments is in the best interest of the public health, safety, and welfare of City residents.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Winter Park, Florida, that:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. City Code Amendment. Article III, Section 2-46 of the City Code of Ordinances is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions):

Sec. 2-46. Establishment of city boards.

There shall be established in this division all boards of the City of Winter Park. If a board is required to be in existence by Florida Statute or City Charter, the section providing for the board shall ~~so provide, as well as any special and/or specific requirements. If, by Florida Statute or Charter there is a requirement with respect to the board that is different than the general rules in this chapter and article, then the requirements of state statute and the Charter shall control. To the extent any requirement imposed by Florida Statute or the City Charter conflicts with the general provisions of this article or chapter, the requirements of Florida law or the City Charter shall control.~~

SECTION 3. City Code Amendment. Article III, Section 2-47 of the City Code of Ordinances is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions):

Sec. 2-47. List and size of boards established.

The general requirements for boards are specified in division 2 herein and the board specific requirements are specified in division 3. Unless otherwise provided by the City Charter, state law, other ordinance or this article, each board shall have seven (7) members. The following boards are established:

- (1) Board of adjustments;
- (2) Civil service board (also sits as the independent personnel review board);
- (3) Code compliance board (which also sits as the nuisance abatement board and performs the functions of a code enforcement board pursuant to F.S. eh. Chapter 162);
- (4) Community redevelopment agency;
- (5) Community redevelopment advisory board;
- (6) Construction board of adjustments and appeals;
- (7) Economic development advisory board;
- (8) Historic preservation board;
- (9) Housing authority board;
- (10) Keep Winter Park beautiful and sustainable advisory board;
- (11) Lakes and waterways board;
- (12) Parks and recreation advisory board;

- (13) Transportation advisory board;
- (14) Planning and zoning board;
- (15) Public art advisory board;
- (16) Utilities advisory board;
- (17) Winter Park Firefighters' pension board;
- (18) Winter Park Police Officers' pension board;
- (19) ~~Orange Avenue overlay appearance review advisory board;~~
- (20) Lake Killarney board
- (21) ~~Winter Pines Golf Course Advisory Board.~~

SECTION 4. City Code Amendment. Article III, Section 2-48 of the City Code of Ordinances is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions):

DIVISION 2. GENERALLY

Sec.2-48. General rules applicable to subsidiary boards and ad hoc committees of the City of Winter Park.

- (a) *Appointment of members.*
 - (1) ~~With the exception of Except for the civil service board, and unless as otherwise provided by ordinance, including as may be set forth in this article, pursuant to or this article, the members of all City boards shall be appointed in accordance with Section 2.19(a)(c), and (c) of the City Charter. the members of all boards of the city shall be appointed as described in Section 2.19(a), City Charter generally at the second regular city commission meeting occurring after the mayor or city commissioner responsible for making an appointment(s) is sworn in for a new term of office; Appointments are generally made at the second regular City Commission meeting following the swearing-in of the mayor or city commissioner responsible for the appointment; however, provision does not prevent the mayor or city commissioner from delaying a decision on appointments for which they have responsibility. nothing herein shall require the mayor or a city commissioner to make an appointment at said meeting and deferral of appointment decisions are expressly permitted. this~~
 - (2) For boards and ad hoc committees appointed pursuant to Section 2.19(a), City Charter, each membership position on a city board and ad hoc committee ~~will shall be assigned designated~~ seat numbers 1 through 7. Seats number 1 through 4 will be those positions appointed by each of the city commissioners with the same corresponding seat number ~~holding the corresponding seat number~~ (e.g., city commissioner holding seat no. 1 will appoint seat no. 1 on each city board and ad hoc committee, etc.). Seats 5 through 7 ~~will be those positions appointed by the mayor. shall be appointed by the mayor.~~

- (3) When considering appointments, the mayor and city commissioners should take into consideration for applicable boards or ad hoc committees as set forth in this article, any qualifications, specialized knowledge, professional experience, or vocations required or desired for persons serving on boards or ad hoc committees. All background identified in this Article as desirable or otherwise deemed required for service on the applicable board or ad hoc committee.
- (4) The city commission may adopt rules governing the process for making nominations and appointments to board process for boards and ad hoc committee positions appointed by the city commission as a body, provided such rules are not inconsistent with general law, the City Charter, or applicable ordinances. to the extent not inconsistent with general law, the Charter or any ordinance.

(b) *Removal of members.* Members of city boards and ad hoc committees are subject to removal, with or without cause, at any time. may be removed at any time, with or without cause. Members of city boards or ad hoc committees whose seats are appointed by the mayor shall serve at the mayor's pleasure. Members of city boards or ad hoc committees whose seats are appointed by a city commissioner shall serve at the pleasure of the city commissioner holding the commission seat that appointed the member. Members of city boards or ad hoc committees whose seats are appointed by the city commission shall serve at the pleasure of the city commission. This provision is intended to be supplemental to, and not in conflict with, the provisions of F.S. § 112.501, Florida Statutes, concerning which concerns the procedure for removal or suspension of a member of a municipal board for cause. In instances when To the extent a member is removed for cause, the City shall comply with processes and procedures as outlined procedures in F.S. § 112.501, Florida Statutes. shall apply.

(c) *Resignations.* Members of all boards and ad hoc committees shall be entitled to resign at any time by delivery of written notice thereof to the city commission clerk and to the mayor or appointing commissioner, as applicable.

(d) *Quorum.* A quorum shall be established if at least a majority of the total board or ad hoc committee membership is in attendance at a the meeting. There must be at least a majority of the total board in physical attendance at a meeting in which a quasi-judicial decision of the board is made; once a physical attendance quorum is established other members of the board may attend the meeting virtually and participate and vote on quasi-judicial decisions, as permitted by law. A board or ad hoc committee member who has declared a voting conflict and abstains from voting shall count for establishing to establish the quorum if that member is present at the meeting. For a motion to be approved, at least a majority of the members present at a board or ad hoc committee meeting in which a quorum has been established must vote in favor of such motion; except that the provisions of this sentence do not apply to boards requiring a different minimum vote requirement as set forth in other portions of this article or as otherwise required by

law. If a quorum is not present, the members of a board or ad hoc committee in attendance at a meeting may take action to continue agenda items to a future meeting and adjourn the meeting for lack of quorum. ~~So long as~~ Provided the a meeting is properly noticed and conducted is in compliance with the requirements of the Sunshine Law, less than a quorum of a board or ad hoc committee may meet for the purposes of discussion only, so long as there is no action or vote taken at such meeting, and the issue discussed ~~discussion does not concern a is not a quasi-judicial matter that was scheduled as a public hearing item. scheduled for public hearing.~~

- (e) *Applicability of rules of ethics.* No member shall take any action or cast any vote if such vote or action is prohibited by a standard of conduct or voting conflict of interest as defined or prohibited in the Code of Ethics for Public Officers and Employees, ~~or as set forth in stated in F.S. ch. 112 Chapter 112, Florida Statutes, or that otherwise violates the City Code or the City Charter. A member must abstain from voting on any measure which would inure to their special private gain or loss, or which the member knows would inure to the special private gain or loss of any principal by whom they are retained, of the parent organization or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate. Prior to the vote, the member shall publicly announce the nature of their interest and file a memorandum of voting conflict within 15 days after the vote, in accordance with Florida law and applicable provisions of the Florida Code of Ethics for Public Officers and Employees. or if such action or vote is in violation of the Code of the City of Winter Park. The city attorney will shall~~ conduct annual board orientation providing board members training in the areas of open government, public meetings, public records, ethics, ex parte communications, quasi-judicial proceedings and related matters.
- (f) *Financial disclosure.* Members of ~~certain~~ boards are required to file a ~~financial disclosure statement of financial interest or other other financial disclosure in-a manner that complies with financial disclosure as set forth in pursuant to F.S. § 112.3144 or F.S. § 112.3145, Florida Statutes, shall timely file such disclosures with the filing officer designated by the City Code and in the manner provided by the City Code. . The city clerk will shall monitor compliance in accordance with state statute and may, at its sole discretion, provide administrative assistance. Any member not complying with financial disclosure requirements will be removed from the board. Failure to timely file the required financial disclosure(s) shall constitute grounds for removal from the board. Prior to the removal, the member shall be provided with written notice and a reasonably opportunity to be heard, consistent with applicable law.~~
- (g) *Vacancies.* When a vacancy occurs on ~~in-a~~ City board or ad hoc committee, the mayor, the city commissioner, or the City Commission, as applicable, shall appoint a qualified individual to fill the vacancy as promptly as practicable. Any appointment made to fill a vacancy shall be for the unexpired portion of the term. ~~member seat occurs, the mayor, the city commissioner or the city commission as body who is responsible for appointing that member's seat or position shall~~

~~promptly appoint a person to fill the vacancy. A vacancy shall be filled for the unexpired term of the member whose term becomes vacant.~~

- (h) *Representation by member of third parties.* No member of a city board or ad hoc committee shall represent a third party in any proceeding before such the board or ad hoc committee on to which the member belongs. serves.
- (i) *Role and responsibility of members of subsidiary boards of the City of Winter Park.* Members of subsidiary municipal boards possess and shall exercise only such authority as is expressly granted by general law, the City Charter, or City Ordinances. have such authority as provided by law, including ordinances of the City of Winter Park and the City Charter. No member of a board shall exceed his or her delegated authority, and except to the extent Florida law, a City, or an ordinance, or a City Charter provision expressly requires the board to perform an adjudicatory function as a quasi-judicial board, the function and duty of each subsidiary board and the members of those boards is limited to acting in an advisory capacity only, by which the members of the various city boards are authorized to receive and gather information, attend board meetings, and apply their best efforts to render advice and recommendations to the commission of the City of Winter Park in the interest of the city and its residents. Although city boards may make recommendations concerning provisions of the City Code, no member of a city board shall, by virtue of such office, have the authority to represent the City of Winter Park in enforcement actions or to exercise executive or administrative authority unless expressly provided by law. any action to enforce the City Code or any provision thereof.
- (j) *Term in office and reappointment.* Unless otherwise required by Florida Statutes, City Charter or as otherwise provided by ordinance, each member of the city's boards shall have a term that begins June 1 and ends May 31 generally overlapping with the term of office of the mayor or city commissioner's seat that appoints such board seat. Other than annual appointments, board member's term shall start from the date of appointment and end upon their resignation, removal from the board or end of their term. A person may serve up to two consecutive terms on the same city board. Following a break in service of at least one year, a former member may be appointed again to the same board subject to the limitation expressed herein. The serving of a partial term of office on a city board due to filling a vacancy shall not count towards the term limits set forth in this subsection. board member terms shall generally begin on June 1 and end on May 31 and shall correspond to the term of office of the appointing Mayor or City Commissioner. Except for annual appointments, a board member's term shall commence on the date of appointment and shall expire at the earliest of: (1) appointment of a successor; (2) 75 days after the end of the term of office of the appointing Mayor or City Commissioner; or 3) the member's resignation or removal. No person shall serve more than two (2) consecutive full terms on the same City board. After a break in service for a period of no less than a calendar year, a former member may be appointed to the same board, subject to the limitations of this subsection. Service of a partial term due to appointment to fill a vacancy shall not be counted toward the term limit.

(k) Attendance, virtual participation. Each member of a city board or ad hoc committee shall be automatically terminated from the board if the member misses three consecutive meetings, or if the member is absent from more than 50 percent of the scheduled meetings of the board in a term year any one-year period commencing on June 1 and ending on May 31 of the following year. Upon termination under this subsection, the appointing mayor or city commissioner shall be notified of the termination, and the vacancy shall be filled promptly in accordance with this Article. ~~Should a board or committee member be terminated, the appointing mayor/commissioner shall be notified and reappoint promptly.~~ Each member of a city board may participate in a meeting virtually up to three (3) times during any one-year period commencing on June 1 and ending on May 31 of the following per term year, subject to applicable law and any rules of procedures adopted governing virtual attendance. subject to rules and procedures as may be adopted governing virtual attendance. A member ~~desiring-seeking~~ to attend a meeting virtually must provide advance notice to its board's staff liaison advance notice of the member's desire to attend a meeting virtually. In accordance with established procedures.

(l) *Meeting procedure.* Unless otherwise prescribed by the ordinance or City eCharter, advisory boards shall follow the following meeting procedures:

- (1) All meetings of the board shall be in accordance with the Sunshine Law, F.S. § 286.011, and the records thereof shall be public records as required by F.S. ch. 119 unless the record is specifically subject to a statutory exemption.
- (2) Board will follow a standardized agenda format provided by the city clerk's office.
- (3) Development of the agenda packet is the responsibility of the staff liaison. Discussion/action items may be added to an agenda by the following methods:
 - a. The city commission will submit to the boards a slate of topics to be addressed.
 - b. From time to time, the commission may request a specific task be considered for advice to the commission by the board.
 - c. Individual board members may suggest a topic for discussion or analysis during a meeting and if a quorum of the board agrees to hear the topic it will be introduced for discussion in a subsequent meeting.
 - d. The staff liaison may place items on the agenda for information to, or action by, the board.
- (4) Agenda packets should be published and distributed one week before the meeting, but no less than three business days before the day of the meeting.
- (5) Each board's staff liaison shall be responsible to keep minutes of its proceedings as required by law, showing at a minimum the date, time and

place of the meeting, members physically in attendance, appearing by virtually, and absent, and also showing each matter discussed, moved, and voted upon. The records of each matter voted upon shall show the vote of each member on each question, and those members absent or abstaining or otherwise failing to vote. All such records shall be kept, and the minutes and records of official actions shall be public records and retained in the office of the city clerk.

- a. Minutes shall be made available to the public within 30 days of the meeting.
- (6) All subsidiary boards shall allow for public comment in the manner required by ~~Chapter 2013-227, Laws of Florida. § 286.0114, Florida Statutes.~~
 - a. Advisory boards will accept public comment virtually on general, non-quasi-judicial matters.
 - b. Quasi-judicial boards ~~will only accept public comment on quasi-judicial matters at the meeting. Specifically, members of the public may not comment virtually on a quasi-judicial matter.~~ shall accept public comment on quasi-judicial matters only at the meeting and only in person; virtual public comment shall not be permitted for quasi-judicial proceedings.
- (7) From time to time, an advisory board may choose to ~~have a~~ conduct work sessions and/or or subcommittee meetings to develop recommendations for consideration by the full board. Such meetings shall be properly noticed, minutes shall be kept, and approval of those minutes by the full board shall not be required. ~~of a smaller group of members to discuss and consider recommendations to the advisory board as a whole. The work session or subcommittee meetings require minutes, but do not require the minutes to be approved by the entire advisory board.~~
- (m) *Evaluation process.* Each city board ~~The city manager shall make provision for~~ an annual self-evaluation process by which ~~it~~ board members and ~~the individual~~ board members are evaluated, and the activity and accomplishments of their each board shall thus be annually evaluated and the results shall be reported to the commission. The city manager shall work with the presiding officer or designee of each city board to ensure that the report concerning the evaluation of each board member and each board is presented to the city commissioner prior to the first day of April each year to insure that the information is available before the annual appointment of members at the first meeting in May of each year. The city manager shall develop a standardized evaluation city form and format applicable to all City boards. for evaluations that will be used for each subsidiary board of the city. The city manager shall recommend the evaluation instrument and format and the city commission shall approve the same with such revisions as the commission determines may be appropriate.

(n) *Ad hoc committees.* The city commission may, from time to time, establish by resolution or ordinance certain committees of an ad hoc nature to study a particular issue. In accordance with ~~s~~Section 2.19(c), City Charter, an ordinance creating an ad hoc committee may specify the number of positions on such ad hoc committee and how appointments to such ad hoc committee are to be made in a manner that may differ from the provisions of this article. An ad hoc committee will have a limited scope of responsibility and will address only the issue(s) ~~or issues~~ designated, and following the study of such matter(s) shall report their findings and recommendations to the City Commission. ~~of their work to the commission with recommendations.~~ Unless otherwise established by the ~~e~~City ~~e~~Commission or extended by action of the commission, no ad hoc committee shall continue in existence beyond 180 consecutive calendar days following the effective date of the resolution or ordinance providing for the establishment of the ad hoc committee.

(o) *Sunset of boards unless a board is required by s Statute or Charter.* Except for those boards that are required to be in existence pursuant to Florida Statute or City Charter, each city board shall sunset and terminate every five (5) years following May 1, 2011, unless the board is renewed by a majority vote of the ~~City~~ ~~e~~Commission. This ~~will allow the commission to evaluate the effectiveness and need for the particular board on a regular basis. Notwithstanding this provision, any advisory board may be terminated at any time by a majority vote of the city commission, unless such board is required by Florida Statute or Charter. review is intended to allow periodic evaluation of the necessity and effectiveness of each board.~~ The following quasi-judicial boards will not sunset: board of adjustments; planning and zoning; construction board of adjustments and appeals; code compliance; civil service; lakes and waterways board and lake killarney board (to the extent it hears stormwater fees appeals); and the historic preservation board (to the extent it acts in a quasi-judicial capacity with respect to recommendations for or against rezonings, demolitions, developments, lot splits, lot consolidations or conditional uses that could impact historic resources identified in the Florida Master Site File Survey of the City of Winter Park, reviews applications for certificates of review for designated landmarks, resources and property within designated districts, or approves variances appropriate for the preservation of historic resources in conjunction with applications for certificates of review). Additionally, without first complying ~~with~~ or satisfying legally imposed conditions, the community redevelopment agency and the housing authority may not be abolished, ~~except in compliance with all applicable statutory requirements.~~

(p) *Expenses and reimbursement.* No member of any board shall receive a salary or fee for service as a member. However, the city manager may authorize reimbursement of necessary expenses for travel, per diem or other expenses if the same are documented in advance and approved by the city manager in writing in advance of the member incurring such expense while on official business for the city, it being a requirement that no expense will be reimbursable unless it is reasonably related to city business performed by a member of a subsidiary board of

~~the City of Winter Park, including travel and per diem, incurred in connection with official city business, provided that:~~

- 1) The expense is reasonably related to the performance of official board duties;
- 2) The expense is documented in advance; and
- 3) The expense is approved in writing by the city manager prior to being incurred.

No expense shall be reimbursed unless it satisfies all requirements of this subsection and applicable city policy.

(q) *Internal rules of conduct.*

- (1) Each board shall comply with the rules established by City Code, Charter or adopted City policies.
- (2) Each board may adopt such rules as are necessary ~~to for~~ such rules are not inconsistent with general law, the City Charter, or City Ordinances.
- (3) Each board shall annually elect a chair and vice-chair from among its members. ~~its membership on an annual basis.~~ Election of the chair and vice-chair will take place ~~at the second meeting following the commission's annual board appointments, no later than the board's August meeting.~~ Vacancies in the position of chair or vice-chair should be filled at the subsequent next regular meeting of the board following the occurrence of the vacancy.
- (4) The city manager, city attorney and/or a designated city staff member shall be reasonably available, upon request, to provide technical support and advice ~~or legal assistance to assure ensure each board's compliance with applicable law. that it is operating in conformance with the requirements of law.~~

(r) *Order and decorum.*

- (1) The members shall maintain and preserve order and decorum and not disrupt ~~the meeting~~ proceedings.
- (2) Members of the public attending board meetings shall observe the same rules of order and decorum applicable to the board members and shall not disrupt the proceedings.

(s) *Residency requirement.* Unless non-residency in the City of Winter Park is expressly required by a requirement of the City Charter, Florida Statutes, or division 3 hereof of this article, the city commission and its members shall appoint residents of the City of Winter Park to city boards. appointments to City boards shall be limited to the residents of the City of Winter Park.

(t) *Provision of legal and staff services.* To the extent not specifically mentioned in division 3 of this chapter and article, a subsidiary board ~~of the City of Winter Park may request from the city manager that the city manager direct staff or the city~~

~~attorney to provide technical and legal support to the board with respect to such matter or matters that may be identified by the board. may request that the city manager direct city staff or the city attorney to provide technical or legal assistance related to matters within the board's scope of authority.~~

- (u) *Frequency of meetings.* Unless otherwise provided with respect to a specific board of the City of Winter Park, each board shall provide in its internal rules of procedure establish the frequency and schedule for its meetings. The board shall notify the city clerk and city manager in writing with respect to the schedule of meetings established by such board. Unless a board determines otherwise for good cause, it shall meet monthly. ~~However, if it is not necessary to hold monthly meetings to conduct the business of the board, the board shall provide for an alternative schedule of meetings. If monthly meetings are not necessary to conduct board business, the board shall adopt an alternative meeting schedule of which the board shall notify of and provide to the City Clerk and City Manager in writing.~~
- (v) *Fundraising.* Each city board shall have the role and function with respect to fundraising to explore opportunities and to give advice and make recommendations to the city commission, and in all instances the city commission shall be the responsible entity to enter specific fundraising programs on behalf of the City of Winter Park. ~~may explore fundraising opportunity and make recommendations to the City Commission. Authority to enter into fundraising programs or related agreements on behalf of the City is reserved exclusively to the City Commission.~~

SECTION 5. City Code Amendment. Article III, Section 2-49 of the City Code of Ordinances is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions):

Sec. 2-49. Divisions 1 and 2 apply to all city boards.

Except as otherwise expressly provided in division 3, with respect to a specific board, the City Charter, or Florida Statutes, the requirements governing ~~city boards~~ stated in divisions 1 and 2 of this article shall apply to each city board. ~~set forth in~~ divisions 1 and 2 of this article shall apply to all City board.

SECTION 6. City Code Amendment. Article III, Section 2-62 of the City Code of Ordinances is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions):

DIVISION 3. DESCRIPTION, DUTIES AND PROCEDURES OF EACH CITY BOARD

Sec. 2-62. Keep Winter Park Beautiful and Sustainable advisory board.

Pursuant to the authority of the city commission, there is established ~~with the City of Winter Park, a the~~ Keep Winter Park Beautiful and Sustainable advisory board, subject to the following provisions:

- (1) *Membership.* The number of members and the procedures for appointments thereof shall be in accordance with the provisions in ~~Divisions 1 and 2 of this Article. One (1) of the three mayoral appointments may be a non-resident with strong ties to the city and with documented sustainability expertise.~~ mayor's appointments may be a non-resident of the City who has strong ties to the City and documented expertise in sustainability.
- (2) *Advisory board.* The Keep Winter Park Beautiful and Sustainable Advisory Board is an advisory board, and shall, after receiving such information as it deems appropriate, and following due deliberation in accordance with its internal rules and procedures, give advice and recommendation to the city commission concerning matters related to ~~the environmental, economic, and social sustainability of the City of Winter Park. protecting natural resources, strengthening community engagement, and enhancing quality of life, ensuring that the City grows sustainably and responsibly for generations to come.~~ The Keep Winter Park Beautiful and Sustainable Advisory Board shall have no adjudicatory or enforcement authority.
- (3) *Procedures.* The procedures and rules for operation of the Keep Winter Park Beautiful and Sustainable Advisory Board shall be in accordance with the general requirements stated in ~~of~~ divisions 1 and 2 of this article.

SECTION 7. City Code Amendment. Article III, Section 2-63 of the City Code of Ordinances is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions):

Sec. 2-63. Lakes and waterways advisory board.

Pursuant to the authority of the city commission, there is established within the City of Winter Park a lakes and waterways advisory board subject to the following provisions:

- (1) *Membership.* The number of members and the procedures for appointment thereof shall be in accordance with the provisions of divisions 1 and 2 of this article.
- (2) *With exception this is an advisory board.* The lakes and waterways advisory board is an advisory board ~~with one exception, and shall, after receiving such information as it deems appropriate, and following due deliberation in accordance with its internal rules and procedures, give advice and recommendations to the city commission related to the protection and improvement of the city's lakes and waterways, with the goal of fostering, maintaining and improving the public stewardship, protection, and long range planning and careful oversight of the implementation of improvement projects for lake and stormwater management. And shall provide advice and recommendations to the City Commission concerning the protection, management, and improvement of the City's lakes and waterways, including stormwater planning and lake-management initiatives, with the goal of~~

fostering, maintaining and improving the public stewardship, protection, and long-range planning, and careful oversight of the implementation of improvement projects for lake and stormwater management. The city acknowledges that the lakes and waterways within the city are a natural resource of great significance. As an exception to the general rule that this is an advisory board, the city commission may, by ordinance or resolution, assign a quasi-judicial function to this board with respect to appeals of decisions related to stormwater fees and concerning review and approval of proposed seawalls, revetments, docks and boathouses under chapter 114. The City Commission may, by ordinance or resolution, assign limited quasi-judicial authority to the Board with respect to: (1) appeals of stormwater fee determinations; and (2) review and approval of seawalls, revetments, docks, and boathouses as provided by Chapter 114.

- (3) *Quasi-judicial proceedings with respect to stormwater fees and appeals thereof.* To the extent the city commission by ordinance or resolution shall provide that this board will sit as a quasi-judicial body and consider appeals from decisions related to stormwater fees, then in such cases the board shall conduct the quasi-judicial proceedings in conformance with the requirements of Florida law. be substantively and procedurally governed by requirements as set forth in applicable provisions of the City Code, including Chapter 102, Section 102-156 through 102-264 as amended and consistent with Florida law. The city manager and city attorney shall provide technical support and resources upon request to assure that the quasi-judicial activity of the board is in accordance with the requirements of Florida law. In such proceedings, the board shall be governed by the substantive and procedural requirements set out in the City Code, including those provisions set out in chapter 102, sections 102-156 through 102-164, as these provisions may be amended by the city commission. The provisions hereof are deemed to be incorporated by reference into eChapter 102 of the City Code, relating to stormwater fees and appeals from decisions related to stormwater fees.
- (4) *Quasi-judicial proceedings with respect to docks and boathouses.* To the extent the eCity eCommission by ordinance or resolution shall provide that the lakes and waterways advisory board will sit as a quasi-judicial body and consider approval of proposed seawalls, revetment, docks and boathouses, then in such cases the board shall conduct the quasi-judicial proceedings in conformance with the requirements of Florida law. The city manager and city attorney shall provide technical support and resources upon request to assure that the quasi-judicial activity of the lakes and waterways advisory board is in accordance with the requirements of Florida law. In such proceedings, the board shall be substantively and procedurally governed by the substantive and procedural requirements set out in the City Code including those provisions set out in chapter 114, as these provisions may be amended by the city commission. Nothing herein shall be a limitation on the City Commission's authority to amend otherwise applicable provisions. Any substantially affected

person or persons aggrieved by any decision of the ~~Lakes and Waterways~~ ~~Advisory Board~~ (including, without limitation, the city) concerning a seawall, revetment, dock or boathouse, may apply to the circuit court for Orange County, Florida, for judicial relief within 30 days after rendition of the decision by the lakes and waterways advisory board. Review in the circuit court shall be by petition for writ of certiorari.

(5) *Procedures.* The procedures and rules for operation of the lakes and waterways advisory board shall be in accordance with the general requirements stated in ~~Divisions~~ 1 and 2 of this article, When conducting quasi-judicial proceedings, the board shall comply with all procedural and substantive requirements of Florida law if said quasi-judicial proceedings is held pursuant to a City ordinance or resolution, and in accordance with the requirements under Florida law for quasi-judicial proceedings when the board hears appeals from stormwater fee decisions if such appeals are referred to the board pursuant to city ordinance or resolution.

SECTION 8. City Code Amendment. Article III, Section 2-64 of the City Code of Ordinances is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions):

(1) *Membership.* The parks and recreation advisory board shall be established in accordance with the requirements in divisions 1 and 2 of this article. Members shall be residents of the city. The membership of the parks and recreation advisory board shall, whenever possible, include if reasonably available, a (1) landscape architect, (2) a representative from the boards of either Winter Park Babe Ruth or Winter Park Pop Warner that resides within the City of Winter Park, (3) a representative from Winter Park High School Athletics, (4) a representative from the Mead Botanical Gardens Inc organization or Winter Park Public Library, and (5) residents representative of the entire community.

(2) *Advisory board.* The parks and recreation advisory board is strictly an advisory board and shall have no adjudicatory or enforcement authority. If any provision of the Code requires processing of any matter through the parks and recreation advisory board, then the purpose of such requirement is for the parks and recreation advisory board to consider the request and ~~to give advice to advise the city manager and city commission (if the matter will reach the city commission)~~, if the matter will reach the City Commission. The purpose and nature of such proceeding will be purely advisory and not be quasi-judicial in nature.

(3) *Purpose and duties.* The parks and recreation advisory board shall promote the parks and recreation programs of the city and ~~will~~ guide, advise, and recommend to the city commission policies and actions regarding the promotion, planning, design, construction and utilization of city parks and recreation programs. The duties of the parks and recreation board will generally be to:

- a. Advise and assist the ~~eCity eCommission, the city manager and the various boards of the city~~ in all matters involving or affecting parks and recreation.
- b. The parks and recreation advisory board shall recommend policies for the improvement, creation, ~~improvement, use and maintenance, and use of~~ city parks and recreation programs.
- c. The parks and recreation advisory board shall recommend budgetary ~~priorities and or~~ special appropriations ~~for related to~~ parks and recreation programs.
- d. The parks and recreation advisory board shall recommend ~~long-range~~ plans for the future growth, development, use and beautification of city parks.
- e. ~~The parks and recreation advisory board shall periodically provide the city commission the public regarding the programs and facilities related to parks and recreation.~~

SECTION 9. City Code Amendment. Article III, Section 2-65 of the City Code of Ordinances is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions):

Sec. 2-65. Transportation advisory board.

There is established within the City of Winter Park, pursuant to the provisions hereof, a transportation advisory board, subject to the following provisions:

- (1) *Membership.* The transportation advisory board shall be established pursuant to the provisions ~~in~~ of divisions 1 and 2 of this article. To the extent reasonably possible, the membership shall include a transportation professional engineer with experience in developing construction plans and a professional planner with experience with projects involving transportation.
- (2) *Advisory board.* The transportation advisory board is an advisory board and shall have no enforcement or adjudicatory power or responsibility. The provisions of division 1 of this chapter and article shall apply with respect to the operations of the ~~t~~Transportation advisory board.
- (3) *Function and responsibilities.* The transportation advisory board shall meet and provide for its internal governance procedures as provided in divisions 1 and 2 of this article. The responsibility of the transportation advisory board shall be the following:
 - a. To receive information, ~~deliberate and provide advice and recommendations to the City Commission on matters concerning and following deliberation, make recommendations and give advice to the city commission concerning opportunities for improvement, maintenance, construction and facilitation of transportation (pedestrian, bicycle, public transportation, automobiles, freight, etc.) methods, infrastructure and~~

~~issues in the City of Winter Park. infrastructure and systems within the City, including pedestrian, bicycle, public transit, automobile, and freight transportation~~

- b. The transportation advisory board, following receipt of information and deliberation, shall ~~determine~~ recommend ways in which transportation methods may be improved, enhanced and ~~made~~ safer within the City of Winter Park. increase the safety of transportation methods and facilities within the City of Winter Park.
- c. Following the receipt of information and deliberation, the ~~t~~A ~~Advisory~~ b~~Board~~ shall recommend to the ~~e~~C~~City~~ e~~Commission~~ ideas for promoting safe multi-modal transportation and complete streets principles ~~within the in the~~ City ~~of~~ Winter Park.
- d. The transportation advisory board shall ~~provide education to the public and the city commission concerning the current infrastructure for multi-modal transport and complete streets in the City of Winter Park and the ways in which that infrastructure may be used safely for the enjoyment and benefit of the citizenry.~~ make recommendations to the City Commission regarding infrastructure for multi-modal transportation and complete streets within the City of Winter Park, and the ways in which said infrastructure and related services may be used safe for the enjoyment and benefit of the citizenry. The board shall also make recommendations to the City Commission on methods for increasing public awareness on these matters.
- e. The transportation advisory board shall serve the functions of the pedestrian and bicycle advisory board as set forth in policy 2-1.5 of the comprehensive plan and any implementing land development codes or regulations thereto.

SECTION 10. City Code Amendment. Article III, Section 2-67 of the City Code of Ordinances is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions):

Sec. 2-67. Public art advisory board.

There is established within the City of Winter Park, pursuant to the provisions hereof, a public art advisory board, subject to the following provisions:

- (1) *Membership.* The public art advisory board shall be established in accordance with the requirements of divisions 1 and 2 of this article. The procedures set out in divisions 1 and 2 of this article shall control the operation of the public art advisory board, subject to the specific provisions hereinafter provided. If reasonably available, consideration shall be given to include in the membership of the public art advisory board an architect, including a landscape architect, an artist, ~~a representative from a museum or art gallery,~~ an experienced business person and a resident representative of the

residential community with public art-related experience. No more than two of the mayoral appointments may be a non-resident representative of a museum or art gallery or a visual or performing arts organization located within the city.

- (2) *Advisory board.* The public art advisory board is an advisory board and shall have no adjudicatory or enforcement responsibilities or authority.
- (3) *Responsibilities and function of the public art advisory board.* The public art advisory board shall set out its rules for conducting business in accordance with the requirements of divisions 1 and 2 of this article, and following the receipt of information and deliberation, the public art advisory board shall have the following responsibilities and scope of service:
 - a. Following the receipt of data from various sources and deliberation, the public art advisory board shall ~~provide advice advise and make~~ recommendations to the eCity eCommission for the siting of public art, and in making these recommendations, the public art advisory board shall endeavor to perform visual inspections of sites to ascertain the physical, cultural and historical aspects of sites being recommended to the eCity eCommission.
 - b. The public art advisory board shall develop and facilitate a composite map identifying signature opportunities within the city for public art.
 - c. The public art advisory board shall interview and recommend public art projects ~~as well as and assist in the selection of artists for possible~~potential public art projects. ~~In doing so, the public art advisory board's conduct is strictly that of an advisory board created to provide recommendations to the City Commission. but in such respect, the action shall be strictly as an advisory board for the purpose of making recommendations to the city commission.~~
 - d. The public art advisory board shall develop a public arts action plan, ~~which is to provide and recommend to the city manager and City Commission and recommend the same to the city manager and city commission for the implementation of educational and organizational opportunities related to and concerning public art.~~
 - e. The public art advisory board shall establish and maintain liaison with other public and private agencies involved with public art.
 - f. The public art advisory board shall advise the eCity eCommission and city manager ~~in on~~ all matters involving or affecting public art.
 - g. The public art advisory board shall periodically inform the eCity eCommission and the general public ~~regarding on~~ programs involving public art within the City. ~~of Winter Park.~~

- h. The City Manager may implement public art projects recommended by the public art advisory board that are approved by the city manager and City Commission by utilizing the public art dedicated funding source allocated for the commissioning, acquisition, installation, maintenance, and promotion of public art.

SECTION 11. City Code Amendment. Article III, Section 2-72 of the City Code of Ordinances is hereby repealed as follows (words that are stricken out are deletions; words that are underlined are additions):

Sec. 2-72. Orange Avenue overlay appearance review advisory board.

Pursuant to the authority of the city commission, there is established within the City of Winter Park, an Orange Avenue Overlay (OAO) appearance review advisory board, subject to the following provisions:

- (1) *Membership.* There shall be five voting members of the OAO appearance review advisory board. Three of the five members of the board shall be licensed architects. Two of the five members of the board shall have or be retired from the following vocations: professional land planner, licensed landscape architect, or licensed professional engineer. The Mayor and the City Commissioners shall each have one appointment to the membership of the OAO appearance review advisory board. Given vocational requirements of board membership, residency within the city is preferred, but not a mandatory requirement for appointment to and service as a member of the OAO appearance review advisory board. Except as otherwise provided in this section, the procedures for appointment and removal of members to OAO appearance review advisory board will be in accordance with division 2 of this article.
- (2) *Advisory board functions and responsibility.* The OAO appearance review advisory board is an advisory board that is to review and make comments and recommendations on architectural details for proposed development projects as and when specified in the City's land development regulations. In making its comments and recommendations, the OAO appearance review advisory board should consider applicable City adopted architectural guidelines or standards. The comments and recommendations of board are to be transmitted to the Building Official, Director of Planning and transportation, planning and zoning board and city commission for consideration in rendering their respective recommendations and/or decisions on the applicable development project.
- (3) *Procedures.* Except as otherwise provided in this section or in the land development regulations governing the OAO appearance review advisory board, the procedures and rules for the operation of the OAO appearance review advisory board will be in accordance with the provisions of division 2 of this article.

SECTION 12. City Code Amendment. Article III, Section 2-73 of the City Code of Ordinances is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions):

Sec. 2-73. Lake Killarney board.

There is established within the City of Winter Park as contemplated by Ordinance 2528-03, and by the authority of the city commission, a Lake Killarney advisory board. Except as may otherwise be provided in ~~e~~Chapter 114, ~~a~~Article III of the City Code, the provisions of ~~d~~Divisions 1 and 2 of this ~~a~~Article shall apply to the Lake Killarney advisory board and its members. The functions, procedures, and duties of the Lake Killarney ~~a~~Advisory ~~b~~Board are as set forth in ~~c~~Chapter 114, ~~a~~Article III of the City Code.

SECTION 13. City Code Amendment. Article III, Section 2-74 of the City Code of Ordinances is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions):

Sec. 2-74. ~~Winter Pines~~ Golf Course advisory board.

Pursuant to the authority of the ~~e~~City ~~e~~Commission, there is created and established the ~~Winter Pines~~ Golf Course advisory board, subject to the following provisions:

- (1) *Membership.* The number of members and the procedures for appointment thereof shall be in accordance with Section 2.19 of the Charter and ~~s~~Section 2-48, of the City Code.
- (2) *Advisory board—Functions and responsibility.* The golf course advisory board is ~~an~~ ~~an~~ advisory ~~b~~oard in nature and shall, after receiving such information as it deems appropriate, and following due deliberation in accordance with its internal rules and procedures, give advice and recommendations to the ~~e~~City ~~e~~Commission concerning the Winter Park Golf Course and Winter Park Pines Golf Course. The board will provide advice on capital improvements, revenue and service/program opportunities, and marketing/branding. ~~Additionally, t~~The board ~~will promote~~ is also tasked with promoting the golf courses and facilities to the Winter Park community. The golf course advisory board shall have no adjudicatory or enforcement authority.
- (3) *Procedures.* The procedures and rules for operation of the golf course advisory board shall be in accordance with the general requirements stated in ~~d~~Divisions 1 and 2 of this ~~a~~Article.

Secs. 2-75—2-80. Reserved.

SECTION 14. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct

and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 15. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 16. Codification. Sections 2 through 13 of this Ordinance shall be incorporated into the Winter Park City Code. Any section, paragraph number, subsection number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance or City Code may be freely made.

SECTION 9. Effective date. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

ADOPTED this 11th day of February, 2026, by the City Commission of the City of Winter Park, Florida.

Mayor Sheila DeCiccio

ATTEST:

Kim Breland, Deputy City Clerk